

REMARKS/ARGUMENTS

If required an additional copy of German Patent 403798 listed in the Search Report supplied with the Information Disclosure Statement of March 29, 2004 is enclosed. No translation is available. It is a relevant reference that should be considered because it was cited in the European Patent Office Search Report of the corresponding European patent application.

The specification is amended by adding section headings.

The claims have been amended. Claim 1 has been amended to include therein a significant feature of indicated allowable claim 5, namely that the utility portion of the culinary whisk is connected to the handle at a crosspiece and it is pivotably movable about an axis that is perpendicular to the axis of the handle. Claim 5 recites that the pivotable connection is at the crosspiece. New claim 14 adds that the utility portion pivots around an axis defined by the crosspiece. New claim 15 is a combination of claim 3, dependent upon claim 1 and allowable claim 5. It is submitted that all four of these claims are allowable in view of the indication in this Office Action of the allowability of claim 5 as all four claims include the crosspiece about which the utility portion moves and which is not shown in the applied prior art.

The nature of the loop material and the wire on the loop of claim 3 are in new claim 13.

Remaining amended claim 5 is dependent upon claim 1.

Claim 7 was rejected under 35 U.S.C. § 112. As claim 7 is dependent upon claim 1 and claim 1 has been amended to include the crosspiece, the rejection of claim 7 has been rendered moot.

Claims 1-4 were rejected under 35 U.S.C. § 112 over Delbor which suggests articulation points. Reconsideration is requested as to amended Claim 1 which now recites a crosspiece by which the utility portion is connected to the handle. The utility portion is pivotally mounted and moveable about an axis perpendicular to the axis of the handle. Delbor neither shows nor suggests a crosspiece and hence no crosspiece connecting the utility portion to a handle as in Claim 1. Claims 2-4 are dependent upon Claim 1 and are allowable for the same reason.

Claims 9-12 were rejected under 35 U.S.C. § 103 over Delbor. Reconsideration is requested. All of those claims are dependent upon claim 3, which is in turn dependent upon

claim 1. Since claim 1 is allowable over Delbor, dependent claims 9-12 are allowable. The concept of a loop shape utility portion with a coil of wire around it and in a plane and being pivotably moveable with a crosspiece is neither shown nor suggested in Delbor.

Claim 6 was rejected under 35 U.S.C. § 103 over Delbor in view of GB '185. Reconsideration of the rejection of Claim 6 is requested because of its dependency upon allowable claim 5.

The indication of allowability of original claim 5 is appreciated. Claim 5 has been made dependent upon amended Claim 1. It is submitted that the dependency of claim 5 on claim 1, rather than on claim 3, does not diminish the allowability of claim 5, since the pivot connection of claim 5 remain. The foregoing comments apply to new claims 14 and 15, dependent upon or including the element of amended claim 5.

The indication of allowability of Claims 7 and 8 is noted. Those claims are dependent upon claim 6, which is in turn dependent upon claim 5 and should therefore be allowed.

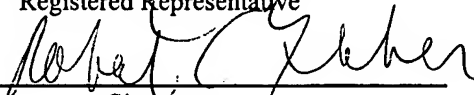
In view of the amendments to the application and the foregoing remarks, allowance of all of the remaining claims is requested.

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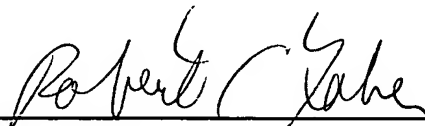
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